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March 13, 2024

BY ECF

Honorable John G. Koeltl
United States District Judge
United States District Court
Southern District of New York
Daniel Patrick Moynihan Federal Courthouse
500 Pearl Street
New York, NY 10007

**APPLICATION GRANTED
SO ORDERED**

3/14/24


John G. Koeltl, U.S.D.J.

Re: Dale Robertson v. Jacqueline Fluerinord, et al.,
23 Civ. 04977 (JGK)

Your Honor:

I represent defendant City of New York (the "City") and New York City Police Department ("NYPD") officer John Theos (the "City defendants") in the above-referenced matter. The City defendants write jointly with defendant City of Westchester to respectfully request that the Court grant an extension of time for the City defendants and defendant City of Westchester to file their motions to dismiss the Amended Complaint until the same date as the Elmsford Police Department and Elmsford Police Department officers Anthony Lopez and Christopher Bujarski (the "Elmsford defendants") file their motion to dismiss. This is the City defendants' and defendant City of Westchester's first such request. Defendants were not able to obtain plaintiff's position as to this request expeditiously as there is no phone number for plaintiff on the docket.

The only individually named NYPD defendant is officer John Theos. Upon information and belief, officer Theos was served on or about January 31, 2024. On February 8, 2024, the Court held a conference. (See Docket Entry Dated February 8, 2024). At that conference, the Court, *inter alia*, directed plaintiff to file any Second Amended Complaint by February 23, 2024. (See ECF No. 31). The Court also ordered all defendants to move or answer with respect to the Amended Complaint by March 15, 2024. (*Id.*) To date, plaintiff has not filed a Second Amended Complaint, and thus the City defendants and defendant City of Westchester anticipate filing motions to dismiss the Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6).

Earlier today, the Elmsford defendants requested an extension of time to file their motion to dismiss until after the two individually-named defendant Elmsford police officers were served. (See ECF No. 32). The Court endorsed this request, allowing the Elmsford defendants twenty-one

days after service of the two Elmsford police officers to file their motion to dismiss. (See ECF No. 33).

Accordingly, (1) in the interest of judicial economy—that is, to create a consolidated briefing schedule to track with the Elmsford defendants’ motion to dismiss—and (2) for the convenience of plaintiff, as his arguments in opposition to defendants’ motions to dismiss may be duplicative, the City defendants and defendant City of Westchester respectfully request that the Court extend the deadline to file their motions to dismiss the Amended Complaint from March 15, 2024, until the date the Elmsford defendants’ motion to dismiss is due.

Thank you for your time and consideration.

Respectfully submitted,

/s/ *Bailey Forcier*

Bailey Forcier

Assistant Corporation Counsel

Special Federal Litigation Division

cc: **Via First-Class Mail**
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